

Summary Minutes of the
Delta Protection Commission - Visioning
Thursday, March 2, 2006

1. Call to Order/Flag Salute/Roll Call

Chairman McGowan called the meeting to order at 6:40 p.m.

Present: Chairman McGowan, Vice Chairman Ferguson, Commissioners Calone, Cabaldon, Johnson, Kelly, Morey, Nottoli, Scriven, Shaffer, Simonsen, van Loben Sels, and Wilson;

Absent: Commissioners Beckman, Perez, Piepho, Reagan, Sanders, and Ornellas.

2. Public Comment

Peggy Bohl, Clarksburg, stated that she is in agreement with Betsy Marchand that no one is concerned about the Delta. She said that the Delta has a fragile infrastructure, it has levees, and has qualities that make it a very special area. She said the Delta could not be preserved, protected and enhanced unless there was support from citizens; and as such, she and others have formed a grass roots organization called *The Alliance of Concerned Citizens of the Sacramento River Delta*. The group is a watchdog organization in that it will try to protect, preserve and enhance the Delta, monitor legislation, and advocate for the Commission and its Management Plan. The group is made up of members from Clarksburg, Courtland, Walnut Grove, Sherman Island and Isleton. She commended the Commission for undertaking the visioning process and said that the best way to achieve improvements is for the Commission to develop recommendations to legislative updates to the Delta Protection Act that better reflect contemporary issues and problems—particularly relating to land use.

3. Continue to Conduct Strategic Planning/Visioning Session

Chairman McGowan announced that Marci Coglianese and Tom Zuckerman are planning a Delta Visioning conference that will take place in June. He also announced that Ms. Coglianese proposed the convening of a Delta Summit that will feature elected officials.

Patrick Bell, Edge Consulting announced that the purpose of the meeting was to discuss three model scenarios he prepared there were fleshed out from the discussions from the February 2, 2006 session. The scenarios included: (1) stay the same; (2) seek legislative amendment of the Delta Protection Act; and (3) take what exists and maximize what has not been taken advantage of in the past.

Chairman McGowan said he felt that the approaches in model 3 made sense in that they challenged the status quo versus something akin to an organization that has greater authority. He said the Commission should think about what is its work and where it wanted to go because the status quo is not acceptable. He said questions that need to be asked are how much more can the Commission do without changing the legal structure of the Commission or the Act.

Commissioner Simonsen said he felt the scenarios reflected what the Commission could be in the future. He said that the Commission should ensure that entities are aware of the Management Plan. He referenced Contra Costa County which will have its urban limit line on the ballot in June, as an example where the Commission could weigh in because the Primary Zone cuts into the proposed land. He said this is an area where the Commission should be proactive if other counties want to establish their urban limit line.

Ms. Fiack responded that with several general plan updates going on, staff has been pro active by meeting with the various planning directors and staying involved in the general plan update process. She also said that there have been discussions regarding the difference of being referenced versus integrated in a county's general plan.

Commission Johnson asked that Department of Boating and Waterways *Sacramento-San Joaquin Boating Needs Assessment* should be added to the list of documents prepared by the consultants.

Commissioner van Loben Sels said agreed with Chairman McGowan that the Commission should not be satisfied with status quo. He said he supported model two but wanted to expand on the short term goal that a solution to preserving wildlife, habitat, ag and recreation, should be for the Commission to go to the Legislature to address the "zone of concern"—which is the 1,000 buffer in the Secondary Zone. Commissioner van Loben Sels said he was in favor of the Commission becoming proactive by going to Legislature to request a modification of the Act.

Commissioner Cabaldon stated that he felt the Commission was not identifying its core needs. He said it needed to look at where it is needed most, so that it would not become an agency that creates activities to justify its existence. Commissioner Cabaldon clarified that the Commission is essential and should be in the business of taking on projects that are important but can't get done through local government. However, it should not be in the business taking on projects that can't be done by other entities simply because there is a grant source attached. Commissioner Cabaldon also said he agreed with comments made by Peggy Bohl in that the Commission should focus on addressing the greatest threats to the Delta and work on enhancing the Delta.

Jeff Small, Capitol Public Finance Group responded that model #1 was a jumping off point and the Commission should question how to perform its responsibilities better and more comprehensive. He said the Commission might want to think about funding its responsibilities differently by passing on the costs to local agencies.

Commissioner van Loben Sels stated that if the Commission were to become proactive then recreation should be a priority. He said safety education is an area the Commission could pursue funding for.

Commissioner Johnson asked if AB 797 (Wolk) had been amended. Linda Fiack responded that it was, and a new component was added to the Legislation that would allow the Commission to initiate an appeal instead of going through a 3rd party. Also added to is a provision to do permanent preservation through easements in the Primary Zone for projects in the Secondary Zone.

Chairman McGowan said that he agrees with Commissioner Cabaldon's comments that the Commission should move in the direction of bringing attention to areas that are of priority and need to be addressed.

Ms. Fiack said that the Commission should evaluate why it has not been able to accomplish certain activities that are spelled out in the Plan. She said what is needed is a workplan for the Management Plan and that proposals from local entities should reflect the Act and Plan. She recommended that the Commission re-look at the findings, policies and recommendations of the Plan to update them.

Commissioner Cabaldon said the Commission needed to develop a strategy because there were too many directions its trying to focus on. Mr. Small responded that he agreed because the plan is too large and needs prioritization.

Ms. Fiack said that from a management standpoint, to update the Plan, the Commission should evaluate its accomplishments; develop pro-active priorities; develop and implement projects consistent with the implementation; and maximize convening capacity for intergovernmental/ inter-jurisdictional forums. She said that once these items are done, the rest, such as money, will follow. She also said that priorities that should be focused on include the development of an easement program in the Delta, seeking grant funding, and maintaining pro-active outreach to be at the beginning of the planning process rather than the end.

Commissioner Simonsen said that the Commission has multi-jurisdictional responsibilities that overlap with other boards and commissions. He said he sees the Commission morphing into something that meets more than bimonthly. He also said that anything the Commission wants to accomplish has to be done now rather than six to twelve months from now because it will lose its opportunity. He further said that a logical step would be for the Commission to take care of immediate tasks without trampling on local jurisdictions and look at what is needed for legislative action.

Chairman McGowan said that he somewhat concurred with Commissioner Simonsen but he saw a problem with model #3, because if the Commission were to pursue that recommendation totally, it would have to be very committed and would need substantial authority to accomplish definable tasks. He said as it stood now, the Commission really doesn't know what those tasks are, nor is it ready to assume the increased responsibility. Ms. Fiack responded that the Commission might want to think about starting with model #2, and based on any outcomes, move to model #3. Commissioner Simonsen said he agreed with Ms. Fiack. He said he viewed the Commission like a habitat conservation plan that cannot responsibly implement its Plan.

Commissioner van Loben Sels said that Commission should identify to the Legislature the areas where it may want to go long term. He said one area would be for projects to pass through the Commission first, instead of coming to the Commission through the appeal process. He said that this would prepare the way to go into a logical transition from model #2 to a modified #3.

Mr. Small added that he came up with the funding mechanisms for model #2 by trying to determine scenarios that would not require legislative change.

Commissioner Shaffer said that the Commission is currently operating under model #2. He said he agreed with Commissioner Cabaldon that the Commission should look at what it is and is not doing well.

Commissioner Cabaldon said that the Commission has never developed its core mission, nor has it developed its vision and how that vision fits with particular projects. He said he did not reject model #1, but the model could not work because the Commission did not have the manpower or financial resources. He said that the integration of the Management Plan with the local governments general plans should be the #1, #2, and #3 priorities and everything else should revolve around that.

Ms. Fiack responded that one action the Commission took was to put together a strategic support team that will travel to counties and cities to educate them on the Commission and its Management Plan. She also said that the Commission must remember that its comment letters must reflect that city and county plans must be consistent with the Commission's plan, and must be careful not to overstep our bounds.

Commissioner Scriven said that cities/counties may not be truly interested in the Commission because it has not authority and may be viewed as a thorn in their sides. He said that in order to be more proactive the Commission must have funding and authority.

Commissioner van Loben Sels stated that one way to stay proactive is to take a position of support on AB 797. He said the bill would give the Commission more authority which would reduce the costs to appeal a land use decision. He said that it is very expensive to appeal and as such, the Commission has done it only once.

Mr. Bell said he was looking for direction from the Commission to put together a list of priorities. Chairman McGowan responded that Mr. Bell should review the Management Plan and ask for an evaluation of the Commission's accomplishment as well as for recommendations as to what is the priority of the Commission. He said what should be brought back to the Commission are the three priorities for the future of the Commission, the extent to which the Management Plan is embodied in other jurisdictions general plan processes, and what is the vision and/or description of the Delta.

Commissioner van Loben Sels said that he would like to see short-term goals of 5+ years and long-term goals of 10+ years spelled out and included in the final work product. Mr. Bell responded that it could be doable to produce goals for 5, 10, or 20 years, and he hoped to produce something along those lines, but it would be necessary to determine how long is long-term.

Commissioner Kelly commented that there are several Delta visioning processes going on with other agencies. She said she believed it would be wise for the Commission to focus on a five-year plan that would provide direction and resilience to be integrated in the processes on visioning for the Delta; and to see where there is change in the Delta and how the Commission can and will respond.

Commissioner Cabaldon said the vision is still not clear—particularly for choices the Commission is not making. He further said that it would be helpful for the constants to flesh out

the ideas and bring them back to ask each individual Commissioner his/her top two priorities. He stated his top priorities are the Commission's role in the broader visioning going on in the Delta, and the Management Plan integration. He said it is understood that some things will not get done in the first year of the proposed five year plan.

Commissioner Johnson stated that the next step should include a listing of the top ten short-term, medium-term and long-term priorities and goals.

Commissioner Shaffer said that the list of priorities should articulate (1) a vision for the Delta and mission for the Commission; (2) a threats and opportunities analysis for the Delta and the Commission; (3) establishment of the role of the DPC; and (4) a look at the priorities/actions which will lay out the action plans for one and five years.

Chairman McGowan said that the long-term view is appropriate; however, the next year is basically set as it is bound by legislation. He said he is interested in the Commission being able to maximize its ability to perform and finding the least amount of resources to do a better job.

Commissioner Morey said she favored the idea of reviewing the Management Plan from a 2006 standpoint, and prioritizing the recommendations for implementation.

Commissioner Nottoli said he agreed with Commissioner Shaffer's process. He also said the Commission should prioritize, however be realistic about what it wants to undertake in the future.

Commissioner van Loben Sels stated that he would like to hear from objective third-party observers as to what the weaknesses are of the Commission.

4. Direct Staff to Continue Process in Consultation with the Commission Ad Hoc Committee and the Consultants

Chairman McGowan said that based on the discussions and input from the meeting, there seemed to be a consensus that mode #2 is the best approach. He asked the consultants to return with a narrowed down version of talking points/recommendations to be discussed at the March 23, 2006 meeting.

5. Adjourn

The meeting was adjourned at 8:30 p.m.